

CAUSE NO. 0031750201

STĘPIŁANIE SALWAROWSKA

IN THE COUNTY COURT

·vs·

AT LAW 3

HOME DEPOT INTERNATIONAL, INC.;
HOME DEPOT U.S.A., INC.; and
LDGP RETAIL SHOPS, LTD.

COLLIN COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION,
JURY DEMAND, AND WRITTEN DISCOVERY REQUESTS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff, STEPHANIE SALWAROWSKA, and files this, her Original Petition and states the following:

DISCOVERY CONTROL PLAN

1. Plaintiff intends that discovery be conducted under Discovery Level 3, pursuant to Rule 190 of the Texas Rules of Civil Procedure.

PARTIES

2. Plaintiff **STEPHANIE SALWAROWSKA** is an individual residing in Polk County, Texas.

3. Pursuant to § 30.014 of the Texas Civil Practice & Remedies Code, Plaintiff STEPHANIE SALWAROWSKA states that the last three numbers of her driver's license number are 125 and the last three numbers of her social security number are 234.

4. Defendant **HOME DEPOT INTERNATIONAL, INC.** is a foreign for-profit corporation doing business in the state of Texas and can be served with process by serving its registered agent for service of process: Corporation Service Company d/b/a CSC - Lawyers

COPY

Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

5. Defendant **HOME DEPOT U.S.A., INC.** is a foreign for-profit corporation doing business in the state of Texas and can be served with process by serving its registered agent for service of process: Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

6. Defendant **LDGP RETAIL SHOPS, LTD.** is a domestic limited partnership doing business in the state of Texas and can be served with process by serving its registered agent for service of process: Kenneth Mills, 223 W. Anderson Lane, Suite A-105, Austin, Texas 78752.

VENUE AND JURISDICTION

7. Venue is proper in this Court because all or a substantial part of the events or omissions occurred in Collin County, Texas. Furthermore, this Court has jurisdiction in that Plaintiff's damages are within the jurisdictional limits of this Court.

FACTS

8. On or about May 30, 2009, Plaintiff **STEPHANIE SALWAROWSKA** was shopping at the premises owned, managed and controlled by Defendants known as Home Depot, West Plano #551, 6200 West Park Blvd, Plano, Collin County, Texas 75093. This premise was in the exclusive management, control and possession of Defendants and their agents and representatives at the time of the occurrence.

9. At the time and on the occasion in question, Plaintiff was returning her cart to the cart corral area after placing her purchases in her car. After leaving her cart Plaintiff noticed that carts were moving toward a vehicle due to the disorderly and overcrowded condition of the cart corral area. As Plaintiff reached for the cart she fell over an oddly placed, unpainted parking block and fell onto her right arm and face.

10. At the time of the occurrence in question, Plaintiff was an invitee on the premises to whom Defendants owed a duty to use ordinary care, including the duty to protect and to safeguard

question so as to avoid harm or injury to others;

- h. Failing to post proper and adequate warning signs of the unsafe condition then existing so as to avoid harm or injury to others;
- i. Failing to warn Plaintiff of the unsafe condition; and
- j. Failing to remedy the dangerous so as to prevent harm or injury to others such as Plaintiff.

13. Each of the foregoing negligent acts and omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages which are described below.

DAMAGES

14. As a direct and proximate result of this occurrence, Plaintiff was caused to suffer injuries to her head, face, right wrist and body generally and to incur the following damages:

- a. Medical Expenses: Plaintiff has incurred medical expenses in the past which were incurred for reasonable and necessary care and treatment of these injuries. The charges incurred are reasonable and were the usual and customary charges for the same or similar services at the time and place rendered. Plaintiff also expects, in all reasonable probability, to incur reasonable and necessary medical expenses in the future in an amount within the jurisdictional limits of this Court.
- b. Physical Pain And Suffering: Plaintiff has endured severe physical pain and suffering in the past and will, in all reasonable probability, continue to endure severe physical pain and suffering in the future;
- c. Mental Anguish: Plaintiff has endured severe mental anguish in the past and will, in all reasonable probability, continue to endure severe mental anguish in the future;
- d. Physical Impairment: Plaintiff has suffered physical impairment in the past and will, in all reasonable probability, continue to suffer physical impairment in the future; and
- e. Lost Wages and Loss of Earning Capacity: Plaintiff has suffered lost wages in the past and will, in all reasonable probability, suffer a loss of earning capacity in the future;

15. By reason of the above and foregoing, Plaintiff has been damaged in a sum within the jurisdictional limits of this Court, for which Plaintiff hereby sues.

REQUEST FOR DISCLOSURE

16. Pursuant to Texas Rule of Civil Procedure 194, Defendants are hereby requested to disclose the information or material described in Rule 194.2 (a)-(l) within 50 days of the service of this request.

17. Under Texas Rules of Civil Procedure 196 and 197, Plaintiff requests that Defendants respond, within 50 days of service of this request, to Plaintiff's First Set of Written Discovery to Defendants (First Interrogatories, First Request for Admissions, First Request for Production, and Request for Privilege Log).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; exemplary damages; together with pre-judgment interest from the date of injury through the date of judgment at the maximum rate allowed by law until the time the judgment is paid; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

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